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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Report of the High Commissioner for Human Rights on the Situation in the Republic of Chechnya of the Russian Federation

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I. INTRODUCTION

1. At its fifty-sixth session, the Commission on Human Rights adopted resolution 2000/58 of 25 April 2000 on the Situation in the Republic of Chechnya of the Russian Federation. The Russian delegation voted against the resolution and stated that its cooperation with international human rights bodies and mechanisms with regard to the situation in the Chechen Republic of the Russian Federation would not be linked to that resolution. The Commission requested the High Commissioner for Human Rights to report on the implementation of the resolution to the Commission at its fifty-seventh session and to keep the Commission and the General Assembly informed on further developments, as appropriate

2. The High Commissioner informed the Commission on Human Rights at its informal one day session on 15 September 2000 and the Third Committee of the General Assembly on 24 October 2000 of developments regarding the resolution and her communications with the Government of the Russian Federation. The present report provides a summary of information received from the Government, as well as information on activities undertaken by the Office of the High Commissioner for Human Rights (OHCHR), United Nations agencies and programmes, and regional and non-governmental organizations.

II. OHCHR ACTION

3. The High Commissioner for Human Rights reported on the visit which she had undertaken from 31 March to 4 April 2000 to the Russian Federation, including Chechnya and the surrounding region, to the Commission on Human Rights at its fifty-sixth session. The High Commissioner has had frequent contacts with the Government of the Russian Federation since her visit. She requested information from the Russian authorities concerning various aspects of the implementation of resolution 2000/58. In response, she received letters from the Minister for Foreign Affairs, informational materials (the most recent dated 31 January 2001) and reports of the Office of the Special Representative of the President of the Russian Federation for the Promotion of Human and Civil Rights and Freedoms in the Chechen Republic, headed by Mr. Vladimir Kalamanov.

4. In her correspondence and meetings with Russian officials, the High Commissioner addressed the following concerns inter alia: loss of life and heavy casualties; continuing allegations of serious human rights violations by the federal army and security forces; visits to Chechnya by the special mechanisms of the Commission on Human Rights; the provision of international humanitarian assistance to Chenchya and the neighbouring Russian republics; access for the International Committee of the Red Cross (ICRC) to detention facilities in Chechnya and in other parts of the Russia Federation where Chechens are held; follow-up to complaints on human rights violations, including the number of criminal cases opened, and identification of the specific charges and incidents; safeguarding due process for Chechens detained; the social and economic rights of the Chechen people, including internally displaced persons (IDPs); and the serious humanitarian situations in Ingushetia and Dagestan in the context of large numbers of IDPs. Information received from the Government is presented below in paragraphs 12 to 33.

5. In resolution 2000/58, the Commission called on the Russian authorities to carry out an independent investigation into the alleged human rights violations in Chechnya. OHCHR provided the Government with a compilation of basic international standards and other documents relevant for such a procedure.

6. In response to the High Commissioner's inquiries, the Government provided information on the number of criminal cases opened and charges filed by the military procuracy for alleged crimes by the military against civilians in Chechnya (see paragraphs 17 and 22 below). Similar information has not been received regarding alleged violations by Ministry of Interior troops and militia, who are under the responsibility of the civilian procuracy.

7. Since the fifty-sixth session of the Commission, OHCHR exchanged information with the chief United Nations agencies and regional organizations working in relation to Chechnya. A summary of information provided by these organizations is contained in paragraphs 34 to 38 below.

8. The Commission requested the relevant special rapporteurs and working groups of the Commission, i.e. the Special Rapporteur on torture, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on violence against women, the Special Representative of the Secretary-General on internally displaced persons and the Special Representative of the Secretary-General for children and armed conflict, to undertake missions to the Republic of Chechnya and neighbouring republics and asked them to report to the Commission and to the General Assembly. The Government of the Russian Federation has taken the position that requests for visits to Chechnya and the region would only be possible within the general framework of the mandates of the special mechanisms and without any link to Commission on Human Rights resolution 2000/58.

9. The High Commissioner has been in contact with the Government of the Russian Federation with a view to facilitating the visits. The Russian authorities have extended invitations to the Special Rapporteur on violence against women and the Special Representative of the Secretary-General for children and armed conflict to visit the North Caucasus region of the Russian Federation. The Special Rapporteur on torture, the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Representative of the Secretary-General on internally displaced persons have requested visits to the region, but have not received invitations. The Special Rapporteur on violence against women and the Special Rapporteur against torture made a request for a joint mission. Clarification was requested from the Russian authorities in September 2000 as to why the Special Rapporteur against torture was not invited and a joint visit facilitated.

10. In their reports to the Commission on Human Rights[1] the holders of the respective mandates provide detailed information regarding their requests for visits and their communications on specific cases and the responses received from the Government of the Russian Federation. The Special Rapporteur against torture sent inquiries on 61 individual cases and received replies regarding seven. The Special Rapporteur on extrajudicial, summary or arbitrary executions sent inquiries on 98 individual cases, including seven unnamed persons, and received responses regarding three cases. The Special Rapporteur on freedom of opinion and expression sent inquiries on three individual cases, and received responses on all three. The

Special Rapporteur on violence against women sent inquiries on two individual cases and received replies on both. A joint urgent appeal was sent to the Russian authorities on 3 March 2000 by the Special Rapporteur against torture, the Special Rapporteur on violence against women, the Working Group on Arbitrary Detention, and the Special Rapporteur on extrajudicial, summary or arbitrary executions concerning the general situation of human rights in Chechnya, and in particular regarding filtration camps. No reply was received.

11. The Government of the Russian Federation continues its cooperation with OHCHR in other areas. In September 2000, an expert meeting on the status and future of human rights education in Russia was held in Moscow. This meeting initiated a three-year project of technical cooperation signed by the High Commissioner in Moscow with the Russian Ministry of Foreign Affairs in June 1999. The project is funded by the OHCHR Voluntary Fund for Technical Cooperation and is intended to provide support for capacity and resource development in the area of human rights education. The project includes the strengthening of a national network of organizations working in this field. Teachers, students and education professors will take part in regional and national training activities and competitions. Other activities will include training of trainers, internships, dissemination of information through the Internet, television and educational newspapers, and the provision of core human rights publications to higher education libraries, the judiciary, the legislature, executive agencies and non-governmental organizations at the national and regional levels.

III. INFORMATION FROM THE GOVERNMENT OF THE RUSSIAN FEDERATION

12. In response to requests from OHCHR, written communications were received from the Ministry of Foreign Affairs of the Russian Federation on 23 August 2000, 12 October 2000 and 31 January 2001. In addition, the Special Representative of the President of the Russian Federation for the promotion of human and civil rights and freedoms in the Chechen Republic, Mr. V. Kalamanov, has sent two interim reports issued in July and October 2000 and an annual report issued in December 2000. Details of the information contained in the above-mentioned communications are provided in this section.

13. The Government of the Russian Federation reaffirms that it is prepared to continue a constructive, frank and responsible dialogue as well as cooperation with OHCHR and the special mechanisms of the Commission on Human Rights in respect of all aspects of the protection of the rights and freedoms of the individual, the protection of national minorities and the dissemination of human rights information and culture. This also holds good in respect of the situation in the Republic of Chechnya of the Russian Federation.

14. The Russian authorities state that large-scale military activities are no longer taking place in Chechnya. They report that on 22 January 2001, V.V. Putin, the President of the Russian Federation, decided to reduce considerably the size of military formations in the Republic of Chechnya. Further, they state that the main efforts of the federal and local authorities are now focused on establishing local power structures and a judicial system, restoring lawfulness and the rule of law, rebuilding the social and economic infrastructure, and safeguarding democracy and human rights. The Government reports that the basic premise of the Russian leadership is that the "Chechen question" can be solved only by political means.

15. Yet the Russian authorities report that the situation in the Chechen Republic remains tense. They note that the remaining fighters are continuing to mount diversionary and terrorist attacks, laying landmines and abducting people. They state that recent terrorist attacks indicate that the fighters have changed their tactics and are now intimidating the population of the Chechen Republic by concentrating on civilians and members of the local authorities and Muslim religious leaders. According to information provided on 31 January 2001 by the Russian Ministry of the Interior, 27 members of the Chechen administration have been killed and 80 injured during the previous three months. Further, the Russian authorities state that on 9 January 2001, Chechen fighters kidnapped K. Gluck, a member of the international NGO, Médecins sans frontières.[2]

16. The Russian Federation reports that the main purpose of the separatists is to destabilize the situation in the Chechen Republic and to undermine the national reconciliation process. They note that, in present conditions, the priority aim of the joint armed forces in the North Caucasus region is to ensure the safety and the normal daily activities of the civilian population of the Chechen Republic. During the past year, the Russian Federation reported that it pursued a well-planned and purposeful policy in Chechnya in its efforts to safeguard human rights and investigate human rights violations, regardless of who perpetrated them. The Russian authorities state that establishing the facts in cases of human rights violations in Chechnya and bringing the guilty parties to justice are the responsibility of the Office of the Procurator-General of the Russian Federation and one of its departments, namely, the Office of the Military Procurator.

17. The Russian authorities report that subordinate bodies of the Office of the Military Procurator are at present dealing with 740 cases of crimes committed by servicemen, including 35 committed against local inhabitants. They state that of this total, 12 cases involve murder, 1 death by negligence, 6 the theft of property, 2 hooliganism, 2 violation of regulations governing the use of weapons, 6 violation of regulations on the use of military and special vehicles and 6 the deaths of citizens as a result of aerial and artillery bombardment. They note that criminal proceedings have been initiated in respect of the deaths of the inhabitants of the villages of Aldi and Alkhan-Yurt and of the Mekenskaya and Cherdlennaya localities. The authorities report that investigations concerning these cases are continuing. They also state that the investigation of eight criminal cases has been completed and these cases have been referred to a court.

18. The Government of the Russian Federation reports that procuratorial investigators in various districts and towns of the Chechen Republic are looking into 946 general criminal cases. They state that these involve crimes against the life and health of citizens, against the freedom, honour and dignity of the individual and against the security of society. The investigators have completed their investigations of 714 criminal cases. Of this number, 55 have been referred to a court, including 9 involving murder, 37 are connected with other criminal cases and 176 have been referred for further investigation to other agencies. The authorities report that investigations carried out have determined that: (a) in 39 cases the suspect is in hiding; (b) in one case the suspect is in hospital; and (c) in 311 cases the suspect cannot be found. The investigation of 232 criminal cases is continuing; 185 of these involve murder.

19. The Government reports that the restoration of the court system in the Chechen Republic is well under way. It states that a total of 27 federal judges, all of whom are of Chechen

nationality, have been appointed and the Supreme Court of Chechnya has been organized. It notes that the further strengthening of the Republic's judicial bodies is of prime importance in consolidating the constitutional regime and safeguarding human rights.

20. The Government reports that an important role in the process of investigating human rights violations continues to be played by the Special Representative of the President of the Russian Federation for the Promotion of Human and Civil Rights and Freedoms in the Chechen Republic (V.A. Kalamov). The authorities note that, in the opinion of Russian and international experts, this mechanism has demonstrated its value and effectiveness during the past year. They report that over 12,000 persons have appealed (5,485 in writing) to the Office of the Special Representative of the President of the Russian Federation for the Promotion of Human and Civil Rights and Freedoms in the Chechen Republic since its establishment. The Office has paid special attention to the restoration in Chechnya of the court system, the Bar, the protection of the rights of persons forced to leave their place of residence, the protection of the right of citizens to freedom of movement, the search for missing persons, monitoring compliance with Russian legislation and international humanitarian law by the military, and the development of social infrastructures.

21. The Russian authorities state that they have made arrangements for a permanent international presence in Chechnya. They report that since 20 June 2000 three experts from the Council of Europe have been working on a rotating basis in the Office of the Special Representative. The agreement on which their presence in Chechnya is based expired on 4 October 2000 but was extended for a further six months.

22. A National Public Commission for the Investigation of Human Rights Violations and the Observance of Human Rights in the Chechen Republic was established and is presided over by Mr. P.V. Krasheninnikov, a member of the State Duma of the Federal Assembly of the Russian Federation. The Russian authorities report that international experience in this area, including the documentation provided by OHCHR, was referred to in establishing this Commission. The Russian authorities state that the Public Commission, in the course of its activities, maintains contact with Russian law enforcement agencies and courts but acts independently through public organizations and other social institutions. They note that the Commission has, for example, established close ties with Russian and foreign human rights organizations and the Chechen diaspora in Moscow and other regions of Russia. Members of the Commission have regular contacts with the diplomatic corps, the Council of Europe and the Organization for Security and Cooperation in Europe (OSCE). The Russian authorities note that the Commission has established offices for receiving the public in nine localities in Chechnya and three in Ingushetia and Moscow. According to information received, the Commission is following the investigation of about 300 cases of human rights violations being conducted by the Procurator-General of the Russian Federation.

23. The authorities report that under the government plan for developing cooperation with the special mechanisms of the Commission on Human Rights, R. Coomaraswamy, the Special Rapporteur of the Commission on Human Rights on the question of violence against women, and O. Otunnu, the Special Representative of the United Nations Secretary-General on children in armed conflicts have been invited to visit Russia, including the North Caucasus region. They note that as they have already stated on a number of occasions, such visits by special rapporteurs

are possible only on the basis of their general mandate and are not related in any way to Commission resolution 2000/58. The Russian authorities further state that they reply regularly and without delay to questions raised by the special rapporteurs of the Commission on Human Rights concerning alleged human rights violations in the Chechen Republic. They note that during the past year over 20 such queries were received; answers to virtually all of them were transmitted to OHCHR, and law enforcement agencies of the Russian Federation are continuing their investigations in connection with the few remaining questions.

24. The authorities report that a system has been established for transporting and distributing Russian and international assistance to the population of the North Caucasus region. They state that Russia is cooperating actively with international humanitarian agencies, including UNHCR, OCHA, ICRC, UNICEF, WHO and WFP. Further, they note that, according to UNHCR, about 40 humanitarian NGOs are active in the region at the present time. The Russian Federation reports that access by members of humanitarian organizations to the needy population is guaranteed by the federal authorities, and only in a few cases is it restricted for safety reasons. They note that Ms. S. Ogata, the United Nations High Commissioner for Refugees, visited Russia from 22 to 24 October 2000 to pursue the dialogue on humanitarian matters.

25. The Russian authorities note that following the abduction of K. Gluck by terrorists (see paragraph 15 above), humanitarian agencies and the overwhelming majority of humanitarian NGOs suspended their humanitarian assistance work for the population of the Chechen Republic. The Russian Federation reports it is making arrangements to ensure that they can resume their activities in Chechnya.

26. The Government reports that it once again demonstrated its readiness to continue its cooperation with OSCE on the Chechen problem on the basis of the legitimate interests and requirements of the federal authorities. It notes that agreement on the status of the members of the OSCE Assistance Group in Chechnya has been reached. The process of negotiation of the remaining aspects of cooperation with the Assistance Group continues.

27. Information received from the Russian authorities indicates that on the basis of an agreement reached between Mr. I.S. Ivanov, the Minister for Foreign Affairs of the Russian Federation, and Mr. J. Kellenberger, the President of ICRC, in an exchange of letters on 30 January 2001, ICRC staff members have access to all persons detained by the federal authorities in connection with anti-terrorist operations in the Chechen Republic. They report that such access is provided to ICRC staff members at all stages of the detention of such persons and regardless of where they may be, that is to say not only in Chechnya but also in other regions of Russia. They report that these persons are visited by ICRC officials on the basis of rules established by that organization. According to information provided by the Russian Central Department for the Execution of Sentences (GUIN) of the Ministry of Justice of the Russian Federation, visits during 2000 by Red Cross delegates to establishments of the criminal punishment system resulted in concrete measures being taken to improve the conditions of detention of prisoners, the medical care available to them and contacts with their relatives. The authorities report that on 29 November 2000 the agreement between Russia and ICRC was extended for six months.

28. The Russian authorities state that the public is focusing on the question of the observance of human rights in the Chechen Republic. They note that this was demonstrated once again in September 2000 in the State Duma of the Federal Assembly during parliamentary hearings on "The organization of activities with a view to the rehabilitation of the economy and the social sphere and the observance of the rights and freedoms of individuals and citizens in the Chechen Republic". The Russian authorities report that Mr. V. Schwimmer, the General Secretary of the Council of Europe, and a PACE delegation headed by Lord Judd took part in the hearings and noted in particular that they were both open and constructive. The Government states that the participants in the hearings recommended that the President and Government of the Russian Federation take measures with a view to improving the coordination of the work of the federal agencies in the Republic of Chechnya and control of their activity, optimizing the system for the internal administration of the Republic and activating the process of peaceful administration. The Russian authorities note that in the opinion of the participants in the hearings, resolution of the Chechen crisis could be facilitated by development and implementation of federal programmes for the return of the forcibly displaced; provision of employment for the population of Chechnya; re-establishment of the medical system; and re-establishment and development of the education system. Further, they note that participants in the hearings expressed concern about the increase in the number of human rights violations by military servicemen. The authorities note that the participants in the hearings recommended that the Ministry of Defence develop measures regarding unacceptable use of force, violence and oppression against the civilian population.

29. The Russian authorities state that a new ministerial post has been established in the Russian Federation (Decree of 28 November 2000 of the President of the Russian Federation) under the plan for giving effect to these recommendations and implementing a policy for the rehabilitation of Chechnya in order to strengthen coordination of the activities of federal executive agencies dealing with the social and economic development of the Chechen Republic. Mr. V.V. Elagin has been appointed to this post. A programme for the rehabilitation of the economy and social infrastructure of Chechnya for 2001 has been submitted to the Government of the Russian Federation for approval. The authorities note that the total cost of this programme is 16.3 billion roubles.

30. The Russian Federation reports that the work of public and State agencies responsible for ensuring the observance of human rights in the Chechen Republic is being coordinated to a great extent by the State Duma's Commission for the Normalization of the Socio-political and Socio-economic Situation and Observance of Human Rights in the Chechen Republic (its ad interim Chairman is Mr. V.N. Nikitin). They note that the Commission collects and analyses complaints and letters from the people of Chechnya relating to the observance of the rights to work and to protection against unemployment, and the rights to health protection and education. Further, they state that members of the Commission pay particular attention to the task of ensuring the right of citizens to legal defence and qualified legal assistance.

31. In the communication received by OHCHR on 31 January 2001, extensive details were provided regarding the education and training of military and law enforcement officials in the area of humanitarian law and human rights. It was reported that numerous courses are conducted in military and law enforcement training institutions, and that the ICRC also provides a wide range of assistance in this area.

32. The Russian authorities state in the information provided that the resolution entitled "Situation in the Republic of Chechnya of the Russian Federation" adopted by the Commission on Human Rights at its fifty-sixth session is unacceptable to Russia. In their view it was motivated exclusively by political considerations and in no way reflects the true situation in Chechnya. They report that a system of State and public institutions has been established to safeguard and protect all human rights and freedoms and to restore lawfulness. The Russian authorities state that in the opinion of Russian and impartial international observers, the human rights situation in Chechnya is improving steadily.

33. The Russian Federation reports that there is a conviction in Russia that the restoration of lawfulness, the rule of law, human rights and democracy in the Chechen Republic can be achieved only through cooperation and dialogue and not by attempts to exert political pressure.

IV. INFORMATION FROM REGIONAL ORGANIZATIONS, UNITED NATIONS AGENCIES AND PROGRAMMES, AND OTHER ORGANIZATIONS

Council of Europe

34. Information received from the Council of Europe is summarized below:

(a) The Committee of Ministers follows developments in Chechnya closely, on the basis of regular monthly reports of the Secretary-General on the presence of the Council of Europe experts in the Office of Mr. Kalamanov. The Parliamentary Assembly (PACE) discusses the situation regularly on the basis of reports presented by the Rapporteur of the Political Affairs Committee (Lord Judd) following his visits to Russia, including Chechnya. On 6 April 2000, members of the Russian delegation to PACE were deprived of their voting rights in the Assembly. A debate on this issue took place during the 22 to 26 January 2001 session of PACE. On 25 January 2001, the Parliamentary Assembly adopted resolution 1241, which reads in part:

> "Despite some recent progress made, the Assembly remains gravely concerned about the human rights situation in the Chechen Republic. It nevertheless believes that the Russian parliamentary delegation deserves to be given another chance to prove that it is willing - and able - to influence the situation in the Chechen Republic for the better. The Assembly, having examined the issue, decides to ratify the credentials of the new Russian delegation."

(b) The Parliamentary Assembly decided to join forces with Russian parliamentarians and set up a small joint working group of representatives of the Assembly and the State Duma to keep under constant review the progress made on the Assembly's recommendations, as well as on the recommendations formulated by the members of the Duma following the hearing in September 2000, with regard both to the human rights situation and to the overall reconstruction effort. The working group will make regular reports to the Assembly and to the State Duma.

(c) On 4 April 2000, the Secretary-General of the Council of Europe concluded an agreement with the Minister for Foreign Affairs of the Russian Federation on Council of Europe consultative expert assistance to the Office of the Special Representative of the President of the Russian Federation for the Promotion of Human and Civil Rights and Freedoms in the Chechen

Republic. This agreement has been extended until 4 April 2001. On the basis of this agreement, three Council of Europe staff members have been working in the Office of Mr. Kalamanov in Znamenskoye since June 2000 on a rotating basis. The Council of Europe experts helped establish the Office and start and develop its operations.

(d) The Council of Europe Human Rights Commissioner has visited Chechnya twice and is preparing to make a new visit to the region (possibly in February 2001). Following his proposal, a seminar on "Democracy, rule of law and human rights" was jointly organized by the Government of the Russian Federation and the Council of Europe in Vladikavkaz, Russia on 30 and 31 May 2000.

(e) The European Court of Human Rights has received approximately 90 individual cases relating to human rights violations in Chechnya. Last summer the Court transmitted six cases to the Russian authorities. The rest are being processed.

(f) The Council of Europe Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) undertook two visits to the North Caucasus region of the Russian Federation (26 February-4 March 2000; 20-27 April 2000). The delegation focused its attention on the treatment of persons who had been deprived of their liberty because they were suspected of having committed offences in Chechnya. The delegation visited police holding cells and pre-trial detention facilities in Chechnya, and also the Khankala military base near Grozny and detention and medical facilities in neighbouring republics of the Russian Federation. On 3 April 2000, the preliminary observations made by the CPT delegation after the first visit were published, at the request of the Russian authorities. The observations following the second visit have not been made public.

Organization for Security and Cooperation in Europe

35. Information provided by the Organization for Security and Cooperation in Europe is summarized below:

(a) It has not been possible to ensure the redeployment of the OSCE Assistance Group to Chechnya. At present, the international personnel of the Assistance Group still operates from its temporary location in Moscow. The Group has established an Office in the village of Znamenskoye (Nadterechny district) of Chechnya. This office is manned by local staff only. The Chairmanship of the OSCE intends to take appropriate steps with a view to ensuring early redeployment of the Assistance Group. Consultations with the Government of the Russian Federation are continuing in this regard.

(b) The OSCE Office of Democratic Institutions and Human Rights (ODIHR) provides technical assistance to the Office of the Special Representative of the President of the Russian Federation for the Promotion of Human and Civil Rights and Freedoms in the Chechen Republic. This includes: design of a computer database for management of complaints about human rights violations (project funded by the Government of Norway); staff training courses on human rights standards, basic human rights interviewing skills, reporting and case management (financially supported by the Government of Austria, the project is being implemented in

coordination with the Council of Europe). ODIHR has also on occasion directed inquiries to the Office of the Special Representative, based upon information received from NGOs, concerning detained or "disappeared" human rights defenders.

(c) In March 2000 an ODIHR delegation, accompanied by representatives of the Russian Federation Central Election Commission, visited the North Caucasus to assess the preparations in Chechnya for the Russian Federation presidential election. It concluded that standard conditions for elections and pre-electoral activities did not exist in Chechnya owing to the ongoing military campaign in parts of the territory and security conditions in others. ODIHR did not deploy observers to Chechnya on election day. ODIHR did not observe the by-election in August for the State Duma representative for Chechnya.

(d) ODIHR has also provided advice to the office of the Special Representative of the Secretary-General of the United Nations for children and armed conflict, drawing on its monitoring of the human rights situation in the Chechen Republic (the situation of children in armed conflict having been a priority for the OSCE under the Austrian chairmanship).

(e) ODIHR has sought to maintain contacts with relevant actors in the Russian Federation, notably Mr. Pavel Krasheninnikov, Chairman of the Public National Commission for Investigating Violations of the Law and Observance of Human Rights in the North Caucasus, Mr. Oleg Mironov, the Russian Federation Human Rights Commissioner, and leading Russian NGOs. Discussions with all of these interlocutors in 2000 included a proposal by ODIHR that Russian military and security forces in Chechnya be given basic human rights training, based on the training given to Russian forces deployed in international peacekeeping operations.

Office of the United Nations High Commissioner for Refugees

36. Information received from UNHCR is summarized below:

(a) Given the current situation in the North Caucasus, especially the slow progress in finding a political solution to the Chechen conflict, the overriding focus of all UNHCR activity in the region remains the preservation of a safe haven in Ingushetia for Chechen IDPs until such time that a conducive atmosphere is created for safe return to conflict affected areas. UNHCR maintains a cautious approach to humanitarian assistance within Chechnya, to avoid stimulating a false sense of security among the IDPs in an area where UNHCR is unable to provide even limited protection monitoring and cannot pretend to meet the massive basic assistance needs.

(b) In view of the fact that the changing security situation in the region poses difficulties for long-term planning, UNHCR maintains the position that its staff members, both national and international, should remain in Ingushetia. It continued providing basic life saving winterization support materials (windows and roofing materials) for some 750 families, as well as relief aid for Chechen IDPs inside Chechnya itself. However, no further substantive material assistance towards reconstruction of shelter is contemplated by UNHCR as this is considered to be the responsibility of the federal authorities.

(c) UNHCR is supporting government efforts to re-establish a civilian administration and the rule of law inside Chechnya through training initiatives for judges, prosecutors, lawyers and law enforcement officials. Such initiatives are taking place outside of Chechnya, so as not to suggest that the Republic is safe for return at this stage.

(d) UNHCR continues to work closely with numerous national NGOs in the Russian Federation, including those working inside Chechnya. The NGO "Memorial" undertakes legal monitoring and representation, while another partner NGO "Voice of the Mountains" provides mine awareness training in Chechnya and Ingushetia.

Office for the Coordination of Humanitarian Affairs

37. Information provided by OCHA is summarized below:

(a) The overwhelming majority of the work of OCHA during 2000 has focused on the humanitarian situation in the northern Caucasus, where the consequences of the crisis in the Republic of Chechnya have affected the lives of some 330,000 IDPs and up to 690,000 residents.

(b) The Government of the Russian Federation and the United Nations signed a memorandum of understanding on humanitarian action in the northern Caucasus on 16 August 2000. An inter-agency consolidated appeal for the northern Caucasus, for a total of US$ 44.9 million, was launched on 28-29 November 2000 and outlines United Nations humanitarian programmes for 2001.

(c) Regarding human rights, OCHA maintains active contacts with OHCHR and meets regularly with local offices of the OSCE and the Council of Europe.

World Health Organization

38. Information provided by WHO is summarized below:

(a) WHO assesses that the armed conflict in Chechnya created a complex emergency situation in the northern Caucasus, where the second most affected republic after Chechnya turned out to be Ingushetia due to a massive influx of IDPs.

(b) At present, in the Republic of Ingushetia, an estimated one third (38,000) of IDPs are living in camps or spontaneous settlements and the remaining 120,000 IDPs stay with host families. About three quarters of all the IDPs are children and women. Living conditions in the private sector, in camps and particularly in spontaneous settlements remain very difficult. The large number of IDPs in Ingushetia, despite massive assistance from the international community, still have problems with clean water supplies and hygienic conditions. Severely strained health services need to be further supported to ensure quality and equity of medical care. An estimated 170,000 civilians remain displaced within Chechnya itself. Much of the resident population in Chechnya lives in towns and cities damaged during the 1994-1996 conflict, many of which were further devastated, including medical facilities, during the period 1999-2000.

(c) The overall WHO objective outlined in the Consolidated Inter-Agency Appeal for the Northern Caucasus (Russian Federation), is to reduce the most preventable causes of morbidity and mortality, and to alleviate suffering from disability among IDPs and host families, as well as among affected populations in Chechnya itself.

(d) The continuously deteriorating security situation in the region threatens the civilian population, as well as the staff of humanitarian organizations working to alleviate the population's intense suffering. It also hampers the ability of United Nations organizations, including WHO, to be physically present in Chechnya. The current WHO emergency assistance programme for the North Caucasus, besides helping Chechen IDPs in the neighbouring republics of Ingushetia, North Ossetia and Dagestan, also includes, to the maximum possible extent, direct assistance to people inside the Republic of Chechnya.

(e) The present plans of WHO are for further involvement of local and international NGOs, Chechen health care structures and other possible partners within Chechnya in WHO emergency assistance activities.

International Committee of the Red Cross

39. Information received from the ICRC is summarized below:

(a) The President of the Russian Federation, Vladimir V. Putin, received the President of the ICRC, Dr. Jakob Kellenberger on 30 March 2000. President Putin expressed his agreement with the ICRC request to be granted access to all persons detained in relation with the hostilities in Chechnya, and while considering prevailing security constraints, confirmed unhindered access of ICRC humanitarian assistance to IDPs in Chechnya and neighbouring areas of the Russian Federation (see also paragraph 27 above). ICRC visits to places of detention in Chechnya and neighbouring areas of the Russian Federation began on 17 May 2000. Up to 31 December 2000, ICRC delegates carried out 59 visits to 29 places of detention in the Russian Federation, including Chechnya.

(b) A first set of confidential reports including ICRC observations and recommendations concerning conditions of detention and related issues was remitted to the Russian authorities by the ICRC in early December 2000.

(c) ICRC delegates enjoy functional, fruitful and frank working relations with all civilian and military authorities in the Russian Federation, including the Chechen Republic, which are relevant for its protection and assistance activities, among them, in particular, the Office of the Special Representative of the President of the Russian Federation for the Promotion of Human and Civil Rights and Freedoms in the Chechen Republic, Mr. Kalamanov.

Non-Governmental Organizations

40. Non-governmental organizations, both international and national, have closely followed the human rights situation in Chechnya. Regular reports are provided by, inter alia, Human Rights Watch, Amnesty International, Médecins du Monde, and the Memorial Society. In their reports, NGOs refer to continuing human rights violations in Chechnya, the need for a national

independent commission of inquiry, the practice of arbitrary detention, with many held incommunicado, and cases of summary execution and the indiscriminate killing of civilians. In a number of cases, sharp criticisms continue to be expressed on these matters.

41. The Memorial Society has sent numerous letters and reports to OHCHR during the past year regarding human rights in Chechnya. In addition to monitoring, the Memorial Society has opened legal assistance and monitoring offices in the Chechen cities of Grozny and Urus Martan. "Memorial" considers the main problems at the current time to be the indiscriminate killing of civilians and the disappearance of people who have been detained. Further, it complains about a lack of will on the part of the military and civilian procuracy to investigate and prosecute such allegations, even in cases where there is clear evidence.

42. Médecins du Monde reported recently to OHCHR that the humanitarian situation in Chechnya is worsening. They report that the aid offered is insufficient and that the civilian population is at great risk. The main concern of Médecins du Monde is to provide better access for humanitarian relief.

V. CONCLUSIONS

43. The detailed information provided by the Government of the Russian Federation is welcome, as is the expression of the Government's readiness to continue dialogue and cooperation with OHCHR. However, reports of continuing human rights violations in Chechnya, and criticisms of the authorities' response, give rise to serious concern. It is noteworthy that these reports come from a variety of sources, including intergovernmental organizations, Russian and international NGOs, and members of the State Duma. They indicate that further determined efforts are essential before it can be said that adequate conditions for the respect of human rights exist in Chechnya. Determined efforts need to be made to prevent unexplained disappearances and killings, and to combat corruption, abuses and harassment at checkpoints. Any steps taken to re-establish an effective judicial system should lead to full respect for the right of everybody to defend his/her rights before independent and impartial bodies, within procedures governed by due process of law.

44. In her approach to the issue of human rights in Chechnya, the High Commissioner has stressed the importance of a credible response from the Russian authorities commensurate with the scale of the allegations of serious human rights abuses. She has recommended an independent, wide-ranging inquiry as the most appropriate way to address concerns. It is noted that, while a number of constructive mechanisms have been put in place, none possesses all the attributes which would normally be associated with such an independent inquiry.

45. The High Commissioner notes as a matter of serious concern that there is a major gap between the large number of complaints submitted to various government agencies and bodies and the relatively small number of court proceedings. If the information available fully reflects the situation, further determined steps should be taken in order to ensure justice to victims of abuses. All allegations of human rights violations should be investigated in accordance with international human rights standards and appropriate action taken. Serious human rights violations should not be allowed to go unpunished and/or uncompensated.

46. Reports of serious human rights violations carried out by Chechen fighters against federal and local authorities and against civilians continue. The High Commissioner urges those responsible to cease such attacks, including kidnapping and hostage taking, and to observe international human rights and humanitarian law.

47. While the right of the Russian authorities to take appropriate measures to counter illegal activities is recognized, it is to be reiterated that all measures taken should be in full conformity with international human rights standards.

48. The Russian authorities advise that considerable funds have been allocated to improve the economic and social infrastructure in Chechnya. Nevertheless, the situation regarding the economic, social and cultural rights of the Chechen people and in the region remains a matter of serious concern. There has been no significant return of displaced persons. Humanitarian agencies continue to be severely restricted in their activities, primarily because of security reasons. This problem needs to be addressed. It is of paramount importance that effective and cooperative steps be taken by the federal and local authorities and the international community to provide adequate assistance to those in need in Chechnya and in the neighbouring region affected by the conflict.

49. The High Commissioner remains convinced that visits by the special mechanisms of the Commission on Human Rights could play a vital role in achieving progress in the promotion and protection of human rights in Chechnya and believes that it is important that all of the relevant invitations be extended. The High Commissioner reiterates her willingness to visit the region again if this could be of assistance. OHCHR is ready, in cooperation with partners, to expand its technical cooperation with the Government of the Russian Federation in order to assist in meeting needs in Chechnya. OHCHR is also ready to provide further assistance in regard to procedures for addressing human rights violations adequately and assistance in the reconciliation processes.

Notes

[1] Reports of the Special Rapporteur on torture (E/CN.4/2001/66), the Special Rapporteur on violence against women (E/CN.4/2001/73 and Add.1), the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/2001/9 and Add.1), the Special Representative of the Secretary-General on internally displaced persons (E/CN.4/2001/5), the Special Representative of the Secretary-General on children and armed conflict (E/CN.4/2001/76).

[2] Mr. Kenneth Gluck was released on 3 February 2001.